



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**July 14, 2004**

**SUBJECT:** **2004-0475 - Sandra Steele** [Applicant] **Donmoyer Timothy Trustee** [Owner]: Application on a on a 5.8-acre site located at **101 Uranium Drive** in an M-S (Industrial & Service) Zoning District (APN: 216-27-048):

Motion Use Permit to allow a co-location of six antennas on an existing 90-foot lattice tower.

**REPORT IN BRIEF**

**Existing Site Conditions** Lattice telecommunications tower

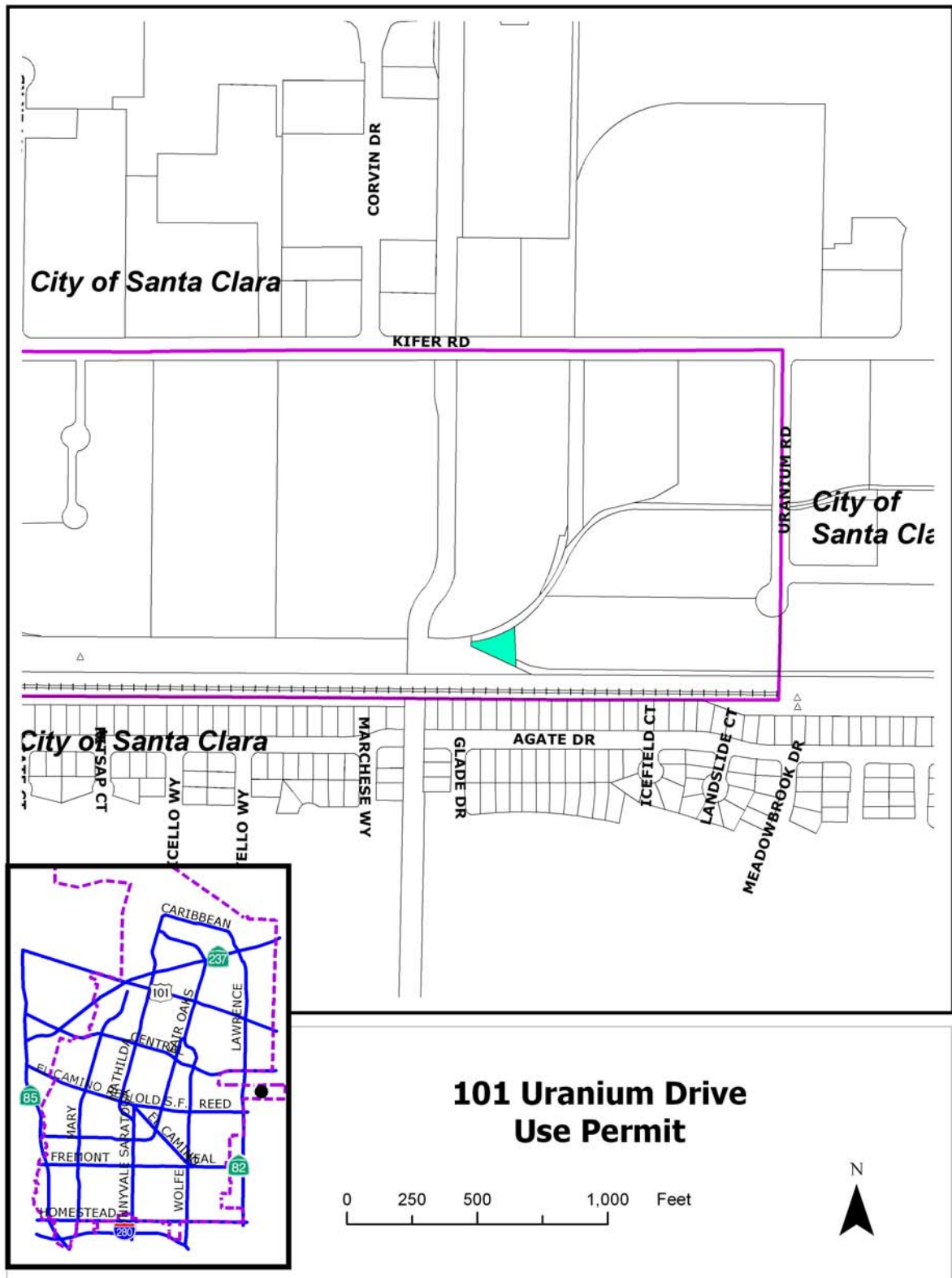
**Surrounding Land Uses**

North	Industrial
South	Industrial
East	Industrial
West	Industrial

**Issues** Aesthetics

**Environmental Status** A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation** Approve with Conditions



**PROJECT DATA TABLE**

	<b><u>EXISTING</u></b>	<b><u>PROPOSED</u></b>	<b><u>REQUIRED/ PERMITTED</u></b>
<b>General Plan</b>	Industry	Same	Industry
<b>Zoning District</b>	M-S	Same	M-S
<b>Lot Size (s.f.)</b>	435 (assessment)	Same	22,500 min.
<b>Height (ft.)</b>	Tower - 90 ft. Shed - 10 ft.	Antennas to be mounted at 89 ft.	75 ft. max.
<b>Setbacks (facing prop.)</b>			
• <b>Front</b>	5 ft.	Same	25 ft. min.
• <b>Left Side</b>	Approx 23 ft.	Same	No min.
• <b>Right Side</b>	Approx 23 ft.	Same	No min.
• <b>Rear</b>	110 ft.	Same	0 ft. min.

**ANALYSIS****Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Date</b>
2003-0373	Co-locate antennae on existing 90 foot tower (Skytel)	Administrative Hearing Approved	06/25 /03
6212	Use Permit for "Repeater Facility" (Construction of lattice tower)	Planning Commission Approved	2/10/ 88

At the time the Skytel application was submitted in 2003, there was one other carrier on the tower, requiring Skytel to submit a Use Permit for co-location of up to two facilities. During the course of the application, the other carrier removed their antennas. Skytel is the only telecommunications provider on the tower currently.

### **Description of Proposed Project**

The proposed project is to attach 6 flat-panel antennas to the top of an existing 90 ft. tall lattice tower. Ancillary equipment will be installed in an existing enclosed shelter located at the base of the facility.

### **Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor additions to existing facilities.

### **Use Permit**

**Use:** The proposed antennas provide personal telecommunication service for Sprint PCS users. The lattice tower currently has one other carrier (Skytel) that was approved in 2003 through a Use Permit. Sunnyvale Municipal Code Section 19.54.080 requires a minor Use Permit for industrial properties of up to two telecommunication carriers.

**Site Layout:** The project site is located on a 435 sq. ft. triangular-shaped lot assessed separately as a telecommunications parcel. This parcel is behind a 5.8-acre industrial site and adjacent to the railroad. Although the facility is not visible from Uranium Drive, the site retains driveway access from this street through the larger industrial campus. An existing six-foot fence with redwood slats encompasses the facility.

**Architecture:** The existing 90 ft. lattice tower will not be substantially modified. The proposed antennas are flush-mounted to the metal supports and do not significantly change the look of the existing structure. The antennas will be painted to match the beige tower.

### **Compliance with Development Standards**

The site meets current regulations specified by the Sunnyvale Municipal Code and Telecommunication Act of 1996.

The following sections of the Wireless Telecommunication Ordinances of the Sunnyvale Municipal Code apply to the proposed project:

*19.54.140(a) – Wherever technically feasible, wireless telecommunication service providers are encouraged to co-locate telecommunication facilities in order to reduce adverse visual impacts; however, the city discourages the development of “antenna farms” or the clustering of multiple antennae on a single monopole, tower or other elevation,*

*unless the site is determined to be suitable based on the following factors:*

- (1) Compliance with all FCC RF emission standards;*

This project meets all FCC RF emissions standards.

- (2) Visibility from residentially zoned property;*

This project is not more visible from residentially zoned properties than the existing tower.

- (3) Visibility from El Camino Real or the right of way of a freeway, expressway or other major arterial street;*

This project is not visible from a major arterial.

- (4) Visibility from the Downtown Specific Plan area or other areas declared by the Director of Community Development to be visually sensitive;*

This project is not visible from the Downtown Specific Plan area or other areas identified in the Telecommunications code as being sensitive.

- (5) Lack of aesthetically preferable feasible alternatives.*

This is the most aesthetically preferable alternative as it uses an existing tower and does not create an additional visual impact on the surroundings.

### **Expected Impact on the Surroundings**

While the 90 ft. tower is visible from surrounding properties, the proposed antennas are designed to minimize the visual impact on surrounding properties and will not create traffic or noise impacts. A RF Emissions Study was submitted that verifies the site complies with all FCC emission standards.

### **Findings, General Plan Goals and Conditions of Approval**

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Staff was able to make the required Findings based on the justifications for the Use Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

### **Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

**Public Contact**

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<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 38 notices were mailed to the adjacent property owners and residents of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

**Alternatives**

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1. Approve the Use Permit with recommended conditions.
2. Approve the Use Permit with modified conditions.
3. Do not approve the Use Permit.

**Recommendation**

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Alternative 1.

Prepared by:

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Diana O'Dell  
Project Planner

Reviewed by:

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Fred Bell  
Principal Planner

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Site and Architectural Plans
4. Letter from the Applicant
5. Photo Simulations

### **Recommended Findings - Use Permit**

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1. The Wireless Telecommunications Policy promotes retention of local zoning authority when reviewing telecommunication facilities. The zoning code requires that the location of telecommunication facilities be designed with sensitivity to the surrounding areas. The proposed facility is compliant with all wireless telecommunication development standards:
  - The project meets all FCC RF emissions standards:
  - The project is not visible from residentially zoned properties.
  - The project is not visible from any major arterial streets, freeways or expressways.
  - The project is not visible from the Downtown Specific Plan area or other areas identified in the Telecommunications code as being sensitive.
  - The proposed antennae would be camouflaged and the ground equipment would be screened from view; therefore, there would be no negative visual impact on the project site or on the surroundings.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the project has minimal visual impact on the surrounding properties and no noise or traffic impacts, while meeting the goals of facilitating telecommunication facilities within the City.



### **Recommended Conditions of Approval - Use Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. Submit for Building Permits prior to construction/installation activity.
2. Any major modifications or expansion of the approved use shall be approved at a separate public hearing by the Administrative Hearing Officer. Minor modifications shall be subject to approval by the Director of Community Development.
3. Every owner or operator of a wireless telecommunication facility shall renew the facility permit at least every five (5) years from the date of initial approval.
4. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including but not limited to, the Federal Communications Commission and Federal Aviation Administration.
5. The owner or operator of any facility shall obtain and maintain current at all times a business licenses issued by the city.
6. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. Applicant shall notify city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:
  - (a) Identity, including name, address and telephone number, and legal status of the owner of the facility including official identification numbers an FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.

(b) Name, address and telephone number of a local contact person for emergencies.

(c) Type of service provided.

7. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.
8. Each facility shall be opened in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekend nights. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.
9. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
10. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city of any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding. The city shall have the option of coordination in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.
11. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. Pollutants mean any solid, liquid, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.

12. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication systems. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennae, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.